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Attorneys for Defendant Lumber Liquidators, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANA GOLD, TAMMY EMERY, EDWIN  
MENDEZ, LAURA NORRIS, DONALD  
FURSMAN, and JOHN TRIANA, on behalf  
of themselves and all others similarly situated,

Plaintiffs,

vs.

LUMBER LIQUIDATORS, INC., a Delaware  
corporation; and DOES1 through 200,  
inclusive,

Defendants.

CASE NO. 3:14-cv-05373-TEH

**DECLARATION OF BETHANY G.  
LUKITSCH IN SUPPORT OF  
DEFENDANT'S ADMINISTRATIVE  
MOTION TO SEAL PORTIONS OF  
DEFENDANT'S REPLY BRIEF IN  
SUPPORT OF MOTION TO EXCLUDE  
PLAINTIFFS' EXPERT WITNESSES**

CLASS ACTION

JURY TRIAL DEMAND

The Honorable Thelton E. Henderson

Complaint Filed: December 8, 2014

1 I, Bethany G. Lukitsch, declare and state as follows:

2 1. I am an attorney licensed to practice law in the state of California and am admitted  
3 to practice before this Court. I am a partner with the law firm of McGuireWoods LLP, counsel of  
4 record for Defendant Lumber Liquidators, Inc. (“Lumber Liquidators” or “Defendant”). I make  
5 this declaration from my own personal knowledge, and could and would competently testify to the  
6 following if called upon to do so.

7 2. I submit this declaration in support of Lumber Liquidators’ Administrative Motion  
8 to File Under Seal Portions of Lumber Liquidators’ Reply Brief in Support of Motion to Exclude  
9 Plaintiffs’ Expert Witnesses and supporting declaration. Specifically, Lumber Liquidators seeks  
10 to seal the below-referenced portions of its Reply Brief and portions of the Declaration of  
11 Christopher N. Crowe on the grounds that disclosure of the information contained therein could be  
12 detrimental to Lumber Liquidator’s financial interests and competitive position, because its  
13 competitors could circumvent the time and resources necessary for product and marketing  
14 development and thereby placing Lumber Liquidators at a commercial disadvantage.

15 3. Lumber Liquidators seeks to seal the following portions of its Reply Brief: p. 8:10-  
16 11; 8:20; 9:1-3; 9:6-10:5; 10:23-11:4; 11:9-10; 11:12-14; 11:19-21; 11:23-24; 12:1-3; 12:5-14;  
17 12:16-25; 13:3-4; 13:12-14:19; 14:20-21; 14:24-28; 15:4-5. The redacted portions of Lumber  
18 Liquidators’ Reply Brief in Support of Motion to Exclude Plaintiffs’ Expert Witnesses contain  
19 confidential and proprietary financial, sales, and marketing information for bamboo products. In  
20 addition, these portions contain proprietary information regarding Lumber Liquidators’ complaint  
21 management database. These portions also extensively discuss an expert report (the “SGH  
22 Report”) filed by Plaintiffs in support of their Motion for Class Certification which has been  
23 previously subject to a motion to seal that has been granted by this Court (Doc. 131.) The  
24 remainder of these portions were the subject of an Administrative Motion for Leave to File Under  
25 Seal filed in connection with Lumber Liquidators’ Motion to Exclude Plaintiffs’ Expert Witnesses  
26 (Doc. 132). That motion was unopposed, and was granted on April 20, 2017. (Doc. 136.) This  
27 sales data and financial information is highly valuable to Lumber Liquidators and is not publicly  
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1 disclosed. If this information was disclosed to the public, Lumber Liquidators' competitors would  
2 have valuable insights into Lumber Liquidators' sales and business, and could use this information  
3 to Lumber Liquidators' detriment. Lumber Liquidators has legitimate business reasons and  
4 expectations in keeping this information confidential.

5 4. The Declaration of Christopher N. Crowe, dated May 5, 2017, filed in support of  
6 Lumber Liquidators' Reply Brief in Support of Motion to Exclude Plaintiffs' Expert Witnesses.  
7 The redacted portions of the Declaration of Christopher N. Crowe contain confidential inventory  
8 and sales information for bamboo products. This information is highly valuable to Lumber  
9 Liquidators and is not publicly disclosed. If this information was disclosed to the public, Lumber  
10 Liquidators' competitors would have valuable insights into Lumber Liquidators' inventory, sales  
11 and business, and could use this information to Lumber Liquidators' detriment. Lumber  
12 Liquidators has legitimate business reasons and expectations in keeping this information  
13 confidential.

14 I declare under penalty of perjury under the laws of the United States of America that the  
15 foregoing is true and correct.

16 EXECUTED at Austin, Texas, this 5<sup>th</sup> day of May, 2017.

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20 By: /s/ Bethany G. Lukitsch  
21 Bethany G. Lukitsch  
22 Attorney for Lumber Liquidators, Inc.  
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